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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/018,032	12/14/2001	Yasuhiko Yamanaka	61352-012	6792
20277	7590	10/01/2004	EXAMINER	
MCDERMOTT WILL & EMERY LLP			DUONG, THOI V	
600 13TH STREET, N.W.			ART UNIT	
WASHINGTON, DC 20005-3096			PAPER NUMBER	
			2871	

DATE MAILED: 10/01/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action

Application No.

10/018,032

Applicant(s)

YAMANAKA ET AL.

Examiner

Thoi V Duong

Art Unit

2871

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 14 September 2004 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
- b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. **ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).**

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☐ The proposed amendment(s) will not be entered because:
- (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
 - (b) ☐ they raise the issue of new matter (see Note below);
 - (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
 - (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____.

3. ☐ Applicant's reply has overcome the following rejection(s): _____.
4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☐ will not be entered or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: _____.

Claim(s) objected to: 4,5,9,14,15,19,40,41,45,53,54 and 58.Claim(s) rejected: 1-3,6-8,10-13,16-18,20-23,28-31,34-39,42-44,46-52,55-57 and 59-70.Claim(s) withdrawn from consideration: 24-27, 32, 33 and 71-84.

8. ☐ The drawing correction filed on _____ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____.
10. ☐ Other: _____

ROBERT M. KIM
PATENT EXAMINER
TECHNOLOGY CENTER 2200

Continuation of 5. does NOT place the application in condition for allowance because: Applicant's arguments are not persuasive. Applicant argued that neither Fig. 6 nor Fig. 18 of Taniguchi discloses or suggests any portion of a concave/convex shape which is arranged regularly according to a predetermined rule so as to have a reproducible characteristic. Applicant also argued that Fig. 6B of Taniguchi is not supported by the specification.

The Examiner disagrees with Applicant's remarks since Figs. 6A and 6B clearly show that the dot-formed surface is divided into square regions, wherein in each of the square regions, the dots are disposed in accordance with a function $G(R)$ (supported by the specification in col. 3, line 22 to col. 4, line 57). Accordingly, from one square region to another, the dots are arranged regularly according to a predetermined rule or pattern which is repeated in every square region so as to have a reproducible reflection characteristic. Taniguchi also discloses that, according to the radial distribution function $G(R)$ mentioned above which is determined for each of the dots on a dot-by-dot basis, the dots in each square region can be regularly disposed as shown in Fig. 7, where distributions of the other dots relative to every dot within the square region are equal to one another (emphasis added); or the dots can be disposed irregularly or at random in the square region where positional relations of the other dots as viewed from each of the dots become different from one to another dot (col. 4, line 61 through col. 5, line 23).

Finally, it is premature to rejoin the withdrawn claims 24-27, 32, 33 and 71-84 although they were amended in a manner similar to the elected claims, which stand rejected, because of their distinct inventions. Claims 24-27, 32 and 33 are drawn to a method of fabricating a reflector and a reflective LCD panel using photomask and claims 71-84 are drawn to a wave member constituting an acoustic member, an electromagnetic member, an oscillating member and a radio member.